

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

FREDERICK BANKS

PLAINTIFF

vs.

Civil No. 4:15-cv-04061

TIMOTHY PIVNICHNY, *et al.*

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed on September 16, 2015 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 3. Judge Bryant recommends Plaintiff's Complaint (ECF No. 1) be **DISMISSED** for improper venue and Plaintiff's Motion for Leave to Proceed IFP (ECF No. 2) be **DENIED** as moot. No objections have been filed to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1).

The Court has reviewed this case, and being well and sufficiently advised, finds that the Report and Recommendation is proper and should be adopted in its entirety. Accordingly, the Court hereby adopts the Report and Recommendation and finds that Plaintiff's Complaint (ECF No. 1) should be and hereby is **DISMISSED** for improper venue. Further, the Court finds that Plaintiff's Motion for Leave to Proceed IFP (ECF No. 2) should be and hereby is **DENIED** as moot.

IT IS SO ORDERED, this 5th day of October, 2015.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge